

continuing with the enumeration or specification of property as set forth in the tendered certificate.

Second, there should also be added to the amendment a provision to enforce any contract entered into whereby the parties thereto agree to be assessed specifically for incidental purposes and for the payment of losses which occur to members, as such provision is expressly required by section 9594 G. C. The provision just mentioned is a material one, and it has heretofore been held by this department that articles of incorporation defective in that respect should not be accepted for filing. See 1908-09 Annual Reports of Attorney General, p. 58; 1910-11 Annual Reports of Attorney General, p. 223. See also in this connection 1919 Opinions of Attorney General, Vol. I. p. 18.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

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1597.

APPROVAL, ABSTRACT, PREMISES SITUATED IN VILLAGE OF SHREVE, WAYNE COUNTY, OHIO, TO BE USED FOR ARMORY PURPOSES.

COLUMBUS, OHIO, September 29, 1920.

HON. ROY E. LAYTON, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:—You have recently submitted an abstract, certified by L. D. Cornell, attorney, requesting my opinion as to the status of the title to the following described premises, as disclosed by said abstract, which said premises you advise are being donated to the state by the village of Shreve for armory purposes:

*Tract No. 1.* Situated in the village of Shreve, county of Wayne, and state of Ohio, and known as the east part of in-lots numbered two hundred and nineteen (219) and two hundred and twenty (220), bounded and described as follows: Beginning at the northeast corner of said lot number two hundred and twenty (220); thence south along the east lines of said lots 220 and 219, to the southeast corner of said lot No. 219; thence west on the south line of said lot 219, eighty-eight (88) feet; thence north and parallel with the east line of said lots, one hundred and twenty (120) feet to the north line of lot 220; thence east on the north line of lot 220 eighty-eight (88) feet to the northeast corner of said lot, the place of beginning.

*Tract No. 2.* Situated in the village of Shreve, county of Wayne, and state of Ohio, and known as the east half of in-lot number two hundred and eighteen (218).

It is believed that said abstract discloses a good title to the premises above described as tract No. 1 to be in the name of Lucy L. Andress, free from incumbrances excepting street assessments aggregating \$202.11 upon lot No. 220; also, the abstract discloses that there are taxes and sewer assessments for the year 1920, approximating the amount of \$28.17, against tracts Nos. 1 and 2 above described, and it cannot be determined from the abstract what particular amount of said sum, if any, is a lien against said first tract. Of course, if the state is accepting said premises subject to said taxes, the fact that the abstract does not show the amounts due on each tract is immaterial. However, if the grantors contemplate paying the

liens it will become necessary to determine from the records the amount due on each tract.

It is believed that the abstract discloses a good title in tract No. 2 to be in the name of Matilda Brink, free from incumbrances excepting whatever amount of the taxes and assessments for the year 1920, approximating \$28.17, as above described, may be against this particular premises.

An examination has been made of the deed submitted by you wherein Lucy L. Andress and husband convey the premises described in tract No. 1, above described, to the state of Ohio, and it is believed that said deed is properly executed. You also submit another deed wherein Matilda Brink conveys the premises described in tract No. 2 to the state, and it is believed that this deed is sufficient for the purpose.

Your attention is called to the fact that the abstracter did not date his certificate. However, inasmuch as said abstracter took the acknowledgment of the grantors to both of the deeds above referred to, which were both executed on September 18, 1920, it is believed that it may fairly be assumed that the certificate was made on said date.

It is further called to your attention that the abstract does not purport to disclose the record of mortgages which may have been against the premises under consideration. However, the abstracter certifies that "there are no unsatisfied or unreleased mortgages of record in said Wayne county, Ohio, against said property, as shown by the records of said county."

Therefore, it will be observed that if full credit is given to the statements of the abstracter, it will cover the objection above pointed out.

The abstract and deeds are being returned herewith.

Respectfully,

JOHN G. PRICE,

*Attorney-General.*

1598.

APPROVAL, BONDS OF VILLAGE OF GIRARD, OHIO, FOR ROAD IMPROVEMENTS IN THE AMOUNT OF \$16,000.

COLUMBUS, OHIO, September 29, 1920.

*The Industrial Commission of Ohio, Columbus, Ohio.*

1599.

TREASURER OF STATE—LIABILITY OF SURETY COMPANY ON ACCOUNT OF DEPOSITS OF STATE FUNDS AND STATE INSURANCE FUNDS.

*Liability of a surety company on account of deposits of state funds and state insurance funds under sections 321 et seq., G. C., and certain forms of bonds, considered.*

COLUMBUS, OHIO, September 30, 1920.

HON. R. W. ARCHER, *Treasurer of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date submitting the following statement of facts and questions involving the State Depository Act, was duly received: